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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,630	09/26/2001	Philippe Gentric	PHFR 000100	9728

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EXAMINER

SHIN, KYUNG H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,630

Applicant(s)

GENTRIC, PHILIPPE

Examiner

Kyung H. Shin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responding to application papers filed 5/13/2005.
2. Claims **1 - 20** are pending. Claim **1** has been amended. Claims **8 - 20** are New.
Independent claims are **1, 8, 16**.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

3.1 Applicant argues that the referenced prior art does not disclose: "... *include a plurality of receiving devices connected to a receiver via an interface circuit* ...".

Ellis prior art discloses multiple units designated as user computer equipment (i.e. receiving devices) that receiving program information over a communications link (i.e. interface circuit). (see Ellis Figure 1 (36 and 38); col. 1, lines 26-35; col. 1, lines 47-51: multiple receiving devices utilizing an interface circuit for program delivery)

Claim Rejection- 35 USC § 103

The text of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims **1 - 20** are rejected under 35 U.S.C. 103(a) as being anticipated by **Ellis et al.** (US Patent No. 6,774,926) and in view of **Killian** (US Patent No. 6,163,316).

Regarding Claim 1 (Currently Amended), Ellis discloses a receiver of data coming from many programs, the receiver comprising a first program receiving device, characterized in that the receiver moreover comprises:

- a) a plurality of other program receiving devices adapted to receive programs according to a pre-established criterion, wherein the receiver is connected to the plurality of receiving devices via an interface circuit; (see Ellis Figure 1 (36 and 38); col. 1, lines 26-35; col. 3, lines 19-23; col. 9, lines 16-19; col. 3, lines 30-35: multiple viewers utilizing user equipment (i.e. receiving devices) for channels (i.e. programs), list of channels (i.e. programs) developed based on user preferences (i.e. pre-established criterion, user profile parameters), receiver devices connected via interface circuit (i.e. communications links))

Ellis does not disclose a reproduction (i.e. sound, audio, media) element and a switch (i.e. an interface). However, Killian discloses:

- b) a reproduction element; (see Killian col. 4, lines 20-28: reproduction (i.e. audio, media) generation element) and
- c) a switch, which is connected to reproduction device, wherein the switch is adapted to selectively connect each of the plurality of receiving devices to the reproduction element. (see Killian col. 4, lines 20-28; col. 5, lines 27-29: interface (i.e. switch) for reproduction element)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to utilize a reproduction (i.e. sound, audio,

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media) element and provide an interface (i.e. switch) as taught by Killian. One of ordinary skill in the art would be motivated to employ Killian in order to enable users to intelligently select, schedule, and record programs within a network connected environment. (see Killian col. 3, lines 27-33: “ ... *an electronic programming guide ... viewers to more intelligently select, schedule, and record viewing opportunities according to viewer profiles and information received ...* ”)

Regarding Claim 2, Ellis discloses a receiver as claimed in claim 1, characterized in that it comprises a program indication element which shows a list of the programs that correspond to said pre-established criterion. (see Ellis col. 3, lines 19-23; col. 13, lines 29-35, col. 13, lines 51-53: list of channels (programs) display based on predetermined set of rules (pre-established criterion) such as specific user preferences and user profile parameters (i.e. favorites))

Regarding Claim 3, Ellis discloses a receiver as claimed in claim 1 or 2, characterized in that the pre-established criterion corresponds to a certain number of programs higher than the number of receiving devices and in that the receiver comprises a program indication element which shows the list of a part of the programs evolving as a function of the user's choice. (see Ellis col. 13, lines 29-35, col. 13, lines 51-53; col. 9, lines 16-19: each user generates personal channels (programs) in addition to standard (broadcast) channels, total number of channels is greater than number of user equipment (receivers), list of programs generated based on user preferences)

Regarding Claim 4, Ellis discloses a receiver as claimed in one of the claims 1 to 3, characterized in that the access of the programs takes place in a sequential manner by clearing and loading one of the receiving devices. (see Ellis col. 9, lines 41-44; col. 9, line 61 - col. 10, line 16: access to selected channels (programs) using user interface, user equipment (receiver) tuned to new channel after channel selection is completed, channel selection can be sequential)

Regarding Claim 5, Ellis discloses a receiver as claimed in one of the claims 1 to 4, characterized in that the programs come from the Internet. (see Ellis col. 1, lines 32-35; col. 3, lines 30-33: communications utilizing the Internet)

Regarding Claim 6, Ellis discloses a method of receiving data coming from many programs used in a receiver as claimed in one of the claims 1 to 4, characterized in that it comprises the following steps:

- a) making up a list of programs that may be received, (see Ellis col. 13, lines 29-35; col. 13, lines 51-53: list of channels (programs) generated)
- b) simultaneously receiving a plurality of programs of said list, (see Ellis col. 15, lines 40-47: simultaneous display of channel (program) and related channel (program) information)

- c) selecting one of the programs from said plurality. (see Ellis col. 9, lines 41-44; col. 9, line 61 - col. 10, line 16: access to selected channels (programs) using user interface, user equipment (receiver) tuned to new channel)

Regarding Claim 7, Ellis discloses a method as claimed in claim 6, characterized in that a change of said plurality clears at least one reception to receive another program of said list. (see Ellis col. 9, lines 41-44; col. 9, line 61 - col. 10, line 16: access to selected channels (programs) using user interface, user equipment (receiver) tuned to new channel after channel selection is completed)

Regarding Claim 8 (New), Ellis discloses an apparatus, comprising:

- a) a receiver, (see Ellis col. 1, lines 26-35: a viewer (i.e. receiver)) including:
- b) a plurality of receiving devices; (see Ellis col. 1, lines 47-51: multiple user equipment (i.e. receiving devices))
- c) an interface circuit adapted to connect the receiver to each of the plurality of receiving devices; (see Ellis col. 1, lines 26-35: multiple viewers (i.e. receiving devices), communications link (i.e. interface circuit))
- d) a reproduction element; (see Killian col. 4, lines 20-28: reproduction (i.e. sound, audio, media) generation element) and
- e) a switch connected to the reproduction element, wherein the switch is adapted to selectively connect each of the receiving devices to the reproduction element.

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(see Killian col. 4, lines 20-28; col. 5, lines 27-29: an interface (i.e. a switch) for reproduction element)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to utilize a reproduction (i.e. sound, audio, media) element and provide an interface (i.e. switch) as taught by Killian. One of ordinary skill in the art would be motivated to employ Killian in order to enable users to intelligently select, schedule, and record programs within a network connected environment. (see Killian col. 3, lines 27-33)

Regarding Claim 9 (New), Ellis discloses an apparatus as claimed in claim 8, wherein each of the plurality of receiving stations is adapted to process a program received from the interface circuit. (see Ellis col. 3, lines 30-33; col. 10, lines 30-33: programs processed utilizing communications link (i.e. an interface circuit))

Regarding Claim 10 (New), Ellis discloses an apparatus as claimed in claim 8, wherein the receiver is adapted to receive a plurality of programs simultaneously and each of the plurality of receiving devices is adapted to receive one of the plurality of programs. (see Ellis col. 1, lines 26-35; col. 10, lines 30-33: multiple programs available to receiving devices, one of the programs received by receiving device)

Regarding Claim 11 (New), Ellis discloses an apparatus wherein connects one of the receiving devices and one of the programs is provided. (see Ellis col. 1, lines 26-35; col.

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1, lines 47-51: provide programs to receiving device) Ellis does not disclose a reproduction element and an interface (i.e. a switch)). However, Killian discloses an apparatus as claimed in claim 10, wherein the switch connects to the reproduction element and program is provided to the reproduction element (see Killian col. 4, lines 20-28; col. 5, lines 27-29: an interface (i.e. a switch) to utilizing reproduction element)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to utilize a reproduction (i.e. sound, audio, media) element and an interface (i.e. a switch) as taught by Killian. One of ordinary skill in the art would be motivated to employ Killian in order to enable users to intelligently select, schedule, and record programs within a network connected environment. (see Killian col. 3, lines 27-33)

Regarding Claim 12 (New), 20 (New), Ellis discloses a method wherein program receiving devices comprises a display screen. (see Ellis col. 9, lines 56-60: specific user interface (i.e. display screen) utilized by program receiving system) Ellis does not disclose the reproduction element. However, Killian discloses an apparatus and a method as recited in claims 8, 15, wherein utilizing a reproduction element. (see Killian col. 4, lines 20-28: reproduction (i.e. sound, audio, media) generation element)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to utilize a reproduction (i.e. audio, media) element as taught by Killian. One of ordinary skill in the art would be motivated to employ Killian in order to enable users to intelligently select, schedule, and record programs within a

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network connected environment. (see Killian col. 3, lines 27-33)

Regarding Claim 13 (New), Ellis discloses an apparatus as claimed in claim 8, further comprising a remote control box having a plurality of positions, wherein each of the positions corresponds to a program of one of the receiving devices. (see Ellis col. 5, lines 48-53; col. 9, lines 32-38; col. 9, lines 41-44: remote control box utilized, multiple position controls (i.e. channel up/down buttons) utilized for program selection)

Regarding Claim 14 (New), Ellis discloses an apparatus as claimed in claim 13, wherein the remote control box is adapted to change the program at each of the receiving devices. (see Ellis col. 5, lines 48-53; col. 11, lines 53-57; col. 11, lines 60-64: remote control box, password authentication enables program control over other receiving device)

Regarding Claim 15 (New), Ellis discloses an apparatus as claimed in claim 14, wherein the remote control box is adapted to rotate the program from one of the receiving devices to another of the receiving devices. (see Ellis col. 5, lines 48-53; col. 11, lines 53-57; col. 11, lines 60-64: remote control device, password authentication enables program control over other receiving device)

Regarding Claim 16 (New), Ellis discloses a method, comprising:

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- a) receiving a plurality of programs; (see Ellis col. 1, lines 26-35: multiple programs available)
- b) providing simultaneously to each of a plurality of receiving devices a respective one of the plurality of programs; (see Ellis col. 1, lines 26-35; col. 1, lines 47-51; col. 10, lines 30-33: programs delivered to receiving devices) and

Ellis discloses providing one or the plurality of programs to receiving devices.

Ellis does not disclose a reproduction element. However, Killian discloses:

- c) a reproduction element. (see Killian col. 4, lines 20-28: reproduction (i.e. audio, media) generation element)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to utilize a reproduction (i.e. sound, audio, media) element as taught by Killian. One of ordinary skill in the art would be motivated to employ Killian in order to enable users to intelligently select, schedule, and record programs within a network connected environment. (see Killian col. 3, lines 27-33)

Regarding Claim 17 (New), Ellis discloses a method as claimed in claim 16, further comprising changing the plurality of programs provided to each of the receiving devices. (see Ellis col. 4, lines 55-58: change set of programs available to receiving devices)

Regarding Claim 18 (New), Ellis discloses a method as claimed in claim 16, further comprising processing each of the programs provided to the plurality of receiving

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devices. (see Ellis col. 10, lines 18-22; col. 10, lines 30-33: processed programs provided to receiving devices)

Regarding Claim 19 (New), Ellis discloses a method further comprising changing the one program provided. (see Ellis col. 9, lines 41-44: program change processed by receiving device) Ellis does not disclose the reproduction element. However, Killian discloses a method as recited in claim 17, further comprising the reproduction element. (see Killian col. 4, lines 20-28: reproduction (i.e. audio, media) generation element)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to utilize a reproduction (i.e. sound, audio, media) element as taught by Killian. One of ordinary skill in the art would be motivated to employ Killian in order to enable users to intelligently select, schedule, and record programs within a network connected environment. (see Killian col. 3, lines 27-33)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9 am - 7 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KHS

Kyung H Shin
Patent Examiner
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August 3, 2005


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